

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13CV453**

JOEL KRIEGER, On Behalf of Himself and
All Others Similarly Situated,

Plaintiff,

v.

HARRIS TEETER SUPERMARKETS, INC.,
JOHN R. BELK, JOHN P. DERHAM CATO,
THOMAS W. DICKSON, JAMES E.S.
HYNES, ANNA SPANGLER NELSON,
MARK S. ORDAN, BAILEY W. PATRICK,
ROBERT H. SPILMAN, JR., HAROLD C.
STOWE, ISAIAH TIDWELL, and WILLIAM
C. WARDEN, JR.,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL
WITH PREJUDICE**

Notice is hereby given that pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Plaintiff voluntarily dismisses with prejudice the above-titled action against Defendants. This notice of dismissal is being filed with the Court before service by Defendants of either an answer or a motion for summary judgment, and following the entry of an Order and Final Judgment by the Hon. James L. Gale, Special Superior Court Judge for Complex Business Cases terminating the consolidated state court actions (bearing state court file numbers 13 CVS 12579 (Master File), 13 CVS 13852, and 13 CVS 14264, Mecklenburg County, North Carolina), during the pendency of which this action was stayed by Order of this Court [DOC 19].

DATED: September 29, 2014

Respectfully submitted

**GRAY, LAYTON, KERSH, SOLOMON,
FURR & SMITH, P.A.**

By: /s/ William E. Moore Jr.

William E. Moore Jr.

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

/s/ William E. Moore, Jr.

William E. Moore Jr.